IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 25129 of 2000

Between:

1. Smt. Illa Lakshmi, w/o. Ranga,
   aged about 30 years, I Ward Member,
   Dowlaiswaram, E.G.Dist.

2. Smt. Palapala Mangayamma, w/o.Appa Rao,
   aged about 32 years, 4th Ward Member,
   Kothapeta, Dowlaiswaram, E.G. Dist.

3. Kundu Kalayana Kumar, s/o. Lakshmana Swamy,
   aged about 37 years, 3rd Ward Member,
   Sunnambatti Street, Dowlaiswaram, E.G. Dist.

4. Peerumalla Kodandamma, w/o. late Appa Rao,
   aged about 56 years, 2nd Ward Member,
   3-117, Vadapeta, Dowlaiswaram, E.G. District.

5. Balla Jagadeswari, w/o. late Subba Rao,
   aged about 65 years, 6th Ward Member,
   8-145, Sunnambatti Street, Dowlaiswaram, E.G. Dist.

6. Addala Satyanarayana, s/o. Lakshmana Swamy,
   aged about 36 years, 7th Ward Member,
   9-271, Lakshmi Theatre Road, Dowlaiswaram, E.G.Dist.

7. Namburi Srinivas, s/o. late Nagaraj,
   aged about 28 years, 8th Ward Member,
   10-29, Cottonpeta, Dowlaiswaram, E.G.Dist.

8. Sapireddy Venkateswar Rao, s/o. late Ayyanna,
   aged about 58 years, 11th Ward Member,

14-17, Boat Office street, Dowlaiswaram,
E.G. Dist.

9. Boora Appa Rao, s/o. late Appala Swamy,
aged about 61 years, 12th Ward Member,
15-138, Gollapeta, Dowlaiswaram, E.G. Dist.

10. K. Aruna Kumari, w/o. K. Suryanarayana,
aged about 25 years, 14th Ward Memebr,
18-127, Cottonpeta, Dowlaiswaram, E.G.Dist.

11. Katta Satyanarayana, s/o. late Ramanna,
aged about 33 years, 17th Ward Member,
20-225/3, Yerrakonda, Dowlaiswaram, E.G. Dist.

12. Karri Satyanarayana, s/o. Sriramulu,
aged about 38 years, 9th Ward member,
Kondameraka, Dowlaiswaram, E.G. Dist.

13. Chollangi Udhya Bhaskar, s/o. late Veera Raghava,
aged about 38 years, 20th Ward Member,
20-1182, Indiraswarna Nagar, Dowlaiswaram.

.... PETITIONERS

AND

1. State of Andhra Pradesh, rep.by Commissioner,
Panchayat Raj, Hyderabad.

2. The District Collector (Panchayat Wing),
East Godavari, Kakinada.

3. The Sub-Collector, Rajahmundry, E.G. Dist.

4. Bobba Veera Venkata Subrahmanya Chowdhary,
Ex-M.P.T.C.Member, Dowlaiswaram, E.G.Dist.

.... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Certiorari, quashing the impugned order Roc.No.1571/99-A1, dated 01-12-2000 of the 2nd respondent passed against the petitioners.

Counsel for the Petitioners : MR.M.V.DURGA PRASAD

Counsel for the Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

W.P.No.25129 of 2000

ORDER:

When some proceedings were initiated against the second ward member of Dowlaiswaram Gram panchayat to remit an amount of Rs.1,40,718/- to the Dowlaiswaram Gram Panchayat funds within seven days from the date of receipt of the said order, which is the similar subject matter in W.P.Nos.24542, 25511 and 26747 of 2000, this Court in the impugned proceedings after noticing that the show cause notice, cited at reference 10, was issued on the even date of the impugned proceedings, held that it is in violation of principles of natural justice since no opportunity was afforded to the petitioners to submit their explanation to show cause notice before making them liable to pay the said amount. On that ground, the impugned proceedings were set aside.

In that view of the matter, the present impugned proceedings are also liable to be set aside as they are in violation of principles of

natural justice as no opportunity was given to the petitioners to explain as to why they are not liable to deposit the alleged amount to the funds of the Gram Panchayat.

In the result, the Writ Petition is allowed setting aside the impugned proceedings Roc.No.1571-99-A1-3, dated 01-12-2000 and the petitioners are at liberty to file their explanation to the impugned proceedings treating it as a show cause notice. On filing of such explanations, the respondents are at liberty to pass appropriate orders after giving due notice and opportunity to the petitioners for hearing of the petition. No costs.

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A. Gopal Reddy, J.

isn

30th June, 2004.

To

1. The Commissioner of Panchayat Raj,
   State of Andhra Pradesh, Hyderabad.
2. The District Collector (Panchayat Wing),
   East Godavari, Kakinada.
3. The Sub-Collector, Rajahmundry, E.G. Dist.
4. Two CCs to G.P. for Panchayat Raj & Rural Dev. (OUT)
5. Two CD copies.